

United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,483	03/23/2004	Hariprakash Govindarajalu	SUN03-15(040197) 3043	
Barry W. Chap	7590 09/11/2007 in Esa		EXAM	INER
CHAPIN & HUANG, L.L.C.			MALZAHN, DAVID H	
Westborough Office Park 1700 West Park Drive			ART UNIT	PAPER NUMBER
Westborough, MA 01581			2193	
			MAIL DATE	DELIVERY MODE
			09/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/807,483	GOVINDARAJALU, HARIPRAKASH			
Office Action Summary	Examiner	Art Unit			
	David H. Malzahn	2193			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	I. the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
Responsive to communication(s) filed on 2a) ☐ This action is FINAL . 2b) ☑ This 3) ☐ Since this application is in condition for allowan closed in accordance with the practice under Expression is the practice of the practic	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) ⊠ Claim(s) 1-62 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 1-15,22-28 and 30-62 is/are rejected. 7) ⊠ Claim(s) 16-21 and 29 is/are objected to. 8) □ Claim(s) are subject to restriction and/or	vn from consideration.				
Application Papers					
9) The specification is objected to by the Examiner 10) The drawing(s) filed on 23 March 2004 is/are: a Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction 11) The oath or declaration is objected to by the Examiner	a) accepted or b) objected to drawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17:2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s)					
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 7/9/04. 	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ite			

Application/Control Number: 10/807,483

Art Unit: 2193

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 3. Claims 1-15, 22-28, 30-39, 41-50 and 52-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted Prior Art.

Paragraphs 0004 and 0005 of the specification state that the prior art includes methods for error detection of operations, including addition, subtraction, multiplication and division, for mental calculation verification through use of digital roots. The claims differ from the prior art in that they call for the method to be performed in a computer processor, perhaps by way of computer instructions, and apparatus claims are recited including means for language corresponding to the method. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the well-known mental calculation verification method using digital roots in a computer

Application/Control Number: 10/807,483

Art Unit: 2193

processor because it is desirable to know when errors, including calculation errors, occur in a computer processor.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 and 30-62 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are directed to a method, process or system for performing a sequence of steps which is merely a program per se. While the program contains functionally descriptive material the recording of the functionally descriptive material on some computer-readable medium, which would enable the functionality to be realized, fails to be recited.

Allowable Subject Matter

5. Claims 16-21 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2193

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Malzahn whose telephone number is (571) 272-3727. The examiner can normally be reached on M-Th from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-ai An, can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David H. Malzahh Primary Examiner Art Unit 2193